IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21911 of 2007(H)

AGAINST THE ORDER IN IA.1481/06 IN
RCP.20/2006 of ADDL.M.C.,KOZHIKODE-II
.....

PETITIONER: PETITIONER/RESPONDENT

ABDUL JABBAR, S/O. MOIDEEN KOYA,
AGED 54 YEARS, PANNIYANKARA AMSOM DESOM,
23/414, NEAR VATTAKINAR JUNCTION,
KOZHIKODE TALUK.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS: RESPONDENT/PETITIONER
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1. **SMT. SAGUNA, W/O. JAYAPALAN,**
   RESIDING AT THACHAMBALATH HOUSE,
   NALLALAM AMSOM AND DESOM, KOZHIKODE TALUK
   AND DISTRICT.

2. **SHRI. SUJITH, S/O. JAYAPALAN,**
   RESIDING AT THACHAMBALATH HOUSE,
   NALLALAM AMSOM DESOM, KOZHIKODE TALUK AND
   DISTRICT.

3. **SHRI. SHYJITH, S/O. JAYAPALAN,**
   RESIDING AT THACHAMBALATH HOUSE,
   NALLALAM AMSOM DESOM, KOZHIKODE TALUK AND
   DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No. 21911 of 2007 H

Dated this the 17th day of July, 2007

Judgment

Koshy, J.

Petitioner filed a petition to set aside a commission report and remitting the same for further reports. The rent control court correctly found that if petitioner has got any other evidence to prove, he can adduce evidence. It is settled law that commission report is only a piece of evidence. If the petitioner has got a contention that the landlord has got other properties, it is for the petitioner to adduce evidence regarding the same and if the final order in the rent control petition is also against the petitioner, all the points can be taken up in appeal. We see no ground to interfere in the intermediary stage in a rent control petition. Appeal is dismissed without prejudice to the rights of the parties.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

M.F.A.NO./2000

JUDGMENT

Dated:17th July, 2007